

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

THOMAS WAYNE GRIFFIN,

Plaintiff

VS.

Deputy Warden MURPHY, *et al.*,

Defendants

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NO. 1:07-CV-9 (WLS)

PROCEEDINGS UNDER 42 U.S.C. § 1983
BEFORE THE U.S. MAGISTRATE JUDGE

ORDER

On January 9, 2007, plaintiff **THOMAS WAYNE GRIFFIN** filed a motion for leave to proceed *in forma pauperis* in order to bring a *pro se* civil rights complaint under 42 U.S.C. § 1983. By order dated January 19, 2007, this Court instructed plaintiff to submit the Court an account summary providing current information on his financial status and prison account. Plaintiff has timely returned the form, an examination of which reveals that he is unable to pay the cost of commencing this action. Accordingly, plaintiff's application to proceed *in forma pauperis* is hereby **GRANTED**.

However, even if a prisoner is allowed to proceed *in forma pauperis*, he must nevertheless pay the full amount of the \$350.00 filing fee in installments based on funds in the prisoner's account. As stated above, plaintiff is unable to pay the entire \$350.00 filing fee at this time. However, plaintiff does have sufficient funds in his prison account to pay a portion of this amount. Therefore, pursuant to 28 U.S.C. § 1915(b)(1)(A), it is hereby **ORDERED** that plaintiff's complaint be filed and that plaintiff pay an initial partial filing fee of \$14.83 to the Clerk of this Court.

Plaintiff shall have thirty (30) days from the date of his receipt of this order to pay the required initial partial filing fee to the Clerk of the Court. Failure to comply with this order shall result in the dismissal of plaintiff's complaint. There shall be no service in this case until further order of the court.

SO ORDERED, this 22nd day of January, 2007.

/s/ *Richard L. Hodge*

RICHARD L. HODGE

UNITED STATES MAGISTRATE JUDGE